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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

Original Application No.1091 of 1997

New Delhi, this the 3rd day of June, 1997

Hon'ble Mr. N. Sahu, Member (A)

1. Ashok Kumar S/o Mahant Ram, 7422, Ram Nagar, Paharganj, Nabi Karim, Delhi -55
2. Chandresh S/o Bhagwan Singh, A-355/8, Amarpuri, Nabi Karim, Delhi.
3. Ram Sajjan S/o Sita Ram 615/13, Gali Ravi Das, Nabi-Karim, Delhi
4. Sobha Ram Yadav, S/o Phagu Yadav, r/o Pahlia Pushta H.No.497, Gali No.10, Sonia Vihar, Delhi -94
5. Rajpati, S/o Rampher, r/o 2536 Chriwalan, Sita Ram Banar, Delhi
6. Ram Sanjivan Singh, S/o Amerira Singh, r/o Mithapur Buremi, Kanjhawla, Delhi

- Applicants

(By Advocate : Shri Rishi Kesh)

Versus

1. Director General Home Guard and Civil Defence, Delhi, Niskham Sewa Bhawan, Raja Garden, New Delhi
2. Commandant, Delhi Home Guard, Nishkam Sewa Bhawan, Raja Garden, New Delhi
3. Govt. of NCT of Delhi through its Chief Secretary, 5, Sham Nath Marg, Delhi

- Respondents

(None for the respondents)

ORDER (Oral)

Hon'ble Mr. N. Sahu, Member (A)-

In this Original Application the applicants have prayed for setting aside the impugned order of transfer dated 20.4.1996 (Annexure-A). Annexure-A simply states that the Home Guards 26 in number listed therein are sent on election duty at the places as written against their names. The applicants have been transferred from the present posting at Police Station Nabi Karim to other Police Stations. The applicants Chandresh and Rajpati were transferred to Police Station Model Town and the other four applicants were transferred to Police Station Shalimar Bag. The submission is that the order dated 20.4.1996 has been given to them and the applicants have joined in their respective place of posting. In this Original Application, however, the prayer is for posting them in the districts where they were working before their

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transfer and to declare the policy of transfer of Home Guards as arbitrary and not in the public interest.

2. The learned counsel for the applicants has also drawn my attention to a representation of the applicants dated 2.5.1996. This representation, it is submitted, has not been disposed of. The Hon'ble Supreme Court in the case of Gujarat Electricity Board Vs. Atmaram Sunnomal Poshani, 1989(1)ATC 396=1989(2)SCC 602=1989 SCC(L&S)393 has held that only right which a transferred employee should exercise in the event of a transfer is to approach before the transferring authority or to the superior authority with his grievances on the transfer and the superior authority is duty bound to consider the difficulties of the transferred employee and dispose of the same. This proposition has also been later on reiterated by the Hon'ble Supreme Court in other cases. It is also submitted by the learned counsel that similar orders of transfer of S/shri Hari Ram, Jagannath Yadav, Ram Jit Yadav, Subhash Chand Yadav, Opender Tripathi and Jagdish Prasad have been cancelled by the Commandant Home Guards in compliance of the orders of the Tribunal in the case of Opender Tripathi & others Vs. Shri T.R. Kakkar, D.A.No.146 of 1996 & C.P.No.18 of 1997, decided on 21.3.97.

3. The impugned order states that the Home Guards are sent for election duty. The learned counsel for the applicants states that this order is violative of the guidelines. Normally, transfers on election duty should not have been questioned. But, the respondent no.2 to whom the representation has been sent, has not disposed of the same so far. I would, therefore, direct the respondent no.2 to dispose of the representation within a period of four weeks from the date of receipt of a copy of this order. Until the

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representation is disposed of, the applicants shall not be put to any adverse consequences. While disposing of the representation the respondent no.2 shall keep in view the decision of this Tribunal on this subject and the guidelines for transfer. The Original Application is disposed of. The parties shall bear their own costs.

Narasimhaswamy
(N. Sahu)
Member (A)